

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 5TH OCTOBER 2006 / 13TH ASWINA 1928

MACA.No. 1667 of 2006(D)

OPMV.529/2000 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, KOLLAM

APPELLANT:

RAMACHANDRAN,
S/O.SIVASANKARAN NAIR,
KUNJU VEEDU, T.C.29/1335,
PALKULANGARA.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS:

1. SUHARA BEEVI, D/O.SULEKHA,
HOUSE NO.248,H&C COMPOUND,
THAMARAKKULAM, KOLLAM.
2. JAYAPRASAD,
ATTUKAL PUTHUVEETIL THEKKETHIL,
THAMARAKKULAM, KOLLAM.
3. THE MANAGER,
M/S.NATIONAL INSURANCE COMPANY LTD.,
PARAMESWARAN PILLAI BHAVAN, HOSPITAL ROAD,
KOLLAM.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION
ON 05/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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M.A.C.A.1667 of 2006-D & C.M.Appl.1772 of 2006

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Dated this the 5th day of October, 2006.

JUDGMENT

C.M.Application No.1772/2006 for condonation of delay of 23 days in filing the appeal is filed by the second respondent in a claim petition.

2. The claimant sued the first respondent as the person who has riding the motor cycle, the second respondent as the owner and the third respondent as the insurer. The insurer pleaded that there was no valid policy. Respondents 1 and 2 remained ex parte before the Tribunal, though the learned counsel for the second respondent (appellant) submits that the second respondent had engaged a counsel. However, the fact remains that no written statement was filed by the second respondent (appellant) to the claim petition filed in the year 2000 and disposed of finally on the 28th of March, 2006.

3. This appeal is filed contending that even before

MACA1667/06 & CMAppl.1772/06 -: 2 :-

the alleged incident, the appellant(second respondent) had sold the vehicle to the first respondent. No specific details regarding the alleged sale are pleaded even in this appeal. I am not inclined to accept the bald statement that the appellant(second respondent) had sold the vehicle to the first respondent and entertain this appeal and the application to condone the delay. The appeal is without any merit. The application to condone delay is hence dismissed. The appeal is also dismissed.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-